

REMARKS

Claims 1-13 and 15-29 are pending in this application. Applicant requests further consideration and examination in view of the following remarks.

Rejection Under 35 U.S.C. § 103(a) (Pepe in view of Mizikovsy)

Claims 1-2, 5-6, 9-10, 13, 15 and 16 stand rejected under stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,742,905 to Pepe et al. (hereinafter Pepe) in view of U.S. Patent Number 5,559,860 to Mizikovsy (hereinafter Mizikovsy).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicant asserts that the rejections do not satisfy the third criteria.

Claims 1, 5, 9, and 13 require generating a message ID for each message that contains the characteristic match, and alerting a subscriber to the receipt of messages having characteristics matching the stored characteristics, the alert including the message ID. Claims 1, 5, and 9 further require executing instructions associated with the message ID received from the subscriber in response to the alert, while claim 13 requires a save facility storing future distribution instructions, the future distribution instructions associated with the message ID. Pepe does not disclose at least these limitations.

The Examiner admits that Pepe does not teach the use of a message ID, but states that the message is identified by the sender and the user determines the course of action based on the identity of the sender. Office Action, page 2. Applicant has been unable to determine the exact portion of Pepe to which the Examiner refers as no citation was provided, but the Applicant has found instances in Pepe describing using origination information for messages, such as an email address or domain for emails, or caller id information for phone calls. See, for example, column 35, lines 15-30, or column 36, lines 21-29. The information referenced

by the Examiner is also origination information, but is provided by the sender instead of gleaned from the message or call itself.

In any event this origination information is not the same as the message ID of claims 1, 5, 9 or 13 and does not meet the other limitations described for the message ID in those claims. First, the message ID identifies each message, not the originating source of the message. In the example provided by the Examiner messages from the same source would have the same origination information and would therefore not be identifying of the message itself. Further claims 1, 5, and 9 require execution of instructions associated with the message ID, and claim 13 requires future distribution instructions associated with the message ID. Pepe does not disclose these limitations as there is no connection drawn between the origination information of Pepe and any instructions.

The Examiner also cites Mizikovsky as describing including additional identification information with an alert. Mizikovsky suffers from the same flaws as Pepe, as all the information cited in Mizikovsky identifies the source of the call or attributes of the call and are not associated with the message itself. For example at column 1, line 57-column 2, line 5, Mizikovsky describes its “alert with information” as including information that identifies the calling party, the importance of the call, the type of call, the medium of the call, etc. Similarly, column 4, lines 55-64 describes that the information in the “alert with information” identifies the calling party or includes other information such as name, organization, location, etc. of the calling party. Lastly, column 10, lines 40-54, describe the packet containing the identification information, with bits to indicate that the alert is an “alert with information” (bits 402), bits to identify the type of “alert with information” information (bits 404) and calling party identification data (bits 406).

As with Pepe, all of the information described by Mizikovsky identifies the source of the call and is not a generated message ID as required by claims 1, 5, 9 and 13. Nor is it used to execute of instructions associated with the message ID as required by claims 1, 5 and 9, or saved as future distribution instructions associated with the message ID as required by claim 13.

As neither Pepe or Mizikovsky, alone or in combination describe the limitations of claim 1, 5, 9 and 13 generating a message ID for each message that contains the characteristic

match, and alerting a subscriber to the receipt of messages having characteristics matching the stored characteristics, the alert including the message ID, nor the limitations of claims 1, 5, and 9 executing instructions associated with the message ID received from the subscriber in response to the alert, or the limitations of claim 13 which require a save facility storing future distribution instructions, the future distribution instructions associated with the message ID, the rejection of record does not describe every limitation of claim 1, 5, 9 and 13 as required under § 103(a). Applicant, therefore, respectfully asserts that claim 1, 5, 9 and 13 are allowable over the combination of Pepe and Mizikovsky.

Claims 2, 6, 10 and 16 each depend directly or indirectly from one of independent claims 1, 5, 9, or 13 and inherit all the features and limitations of their respective base claim. Thus, claims 2, 6, 10 and 16 each set forth features and limitations not found in Pepe and are allowable for the reasons set forth above.

Claims 4, 8, 11 and 17 are rejected as being unpatentable under § 103(a) over Pepe as applied to claims 1, 2 and 5-6. Claims 4, 8, 11 and 17 each depend directly or indirectly from one of independent claims 1, 5, 9, or 13 and inherit all the features and limitations of their respective base claim. Thus, claims 4, 8, 11 and 17 each set forth features and limitations not found in Pepe and are allowable for the reasons set forth above.

Rejection Under 35 U.S.C. § 103(a) (Pepe in view of Fuller)

Claims 3, 7, 12, and 18 stand rejected under stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pepe in view of U.S. Patent Number 6,545,589 to Fuller et al. (hereinafter Fuller).

Claims 3, 7, 12, and 18 are rejected as being unpatentable under § 103(a) over Pepe as applied to claims 1, 2 and 5-6. Claims 3, 7, 12, and 18 each depend directly or indirectly from one of independent claims 1, 5, 9, or 13 and inherit all the features and limitations of their respective base claim. Thus, claims 3, 7, 12, and 18 each set forth features and limitations not found in Pepe and are allowable for the reasons set forth above.

Rejection Under 35 U.S.C. § 103(a) (Pepe)

Claims 19-29 stand rejected under stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pepe.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicant asserts that the rejections do not satisfy the third criteria.

Claim 19 requires generating a message ID and sending an alert including the message ID to the subscriber, receiving a reply from the subscriber in response to the alert, the reply comprising instructions associated with the message ID. Pepe does not disclose at least these limitations.

As described above with respect to claims 1, 5, 9 and 13, Pepe can include call or message origination information with a call or message, but does not describe generating a message ID that is included in the alert to the subscriber, nor does Pepe describe instructions associated with the message ID. The information described by Pepe is purely call/message origination information and is not generated nor associated with instructions. Applicant, therefore, respectfully asserts that claim 19 is allowable over the rejection of record.

Claims 20-29 each depend directly or indirectly from claim 19 and inherit all the features and limitations of the base claim. Thus, claims 20-29 each set forth features and limitations not found in Pepe and are patentable over Pepe. Applicant respectfully requests the 35 U.S.C. § 103(a) rejection of claims 19-29 be withdrawn.


Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 66360/P001D1/10402620 from which the undersigned is authorized to draw.

Dated: June 22, 2007

Respectfully submitted,

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Date of Electronic Filing: June 22, 2007

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